

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION FOR
AUTHORIZATION AND APPROVAL OF A PROJECT UNDER
CHAPTER 121A OF THE MASSACHUSETTS GENERAL LAWS
(TER. ED.), AS AMENDED, AND CHAPTER 652 OF THE
ACTS OF 1960, AS AMENDED, AND FOR CONSENT TO
THE FORMATION PURSUANT TO SAID CHAPTER 121A OF
AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER
THE NAME OF VICTORY GARDENS ASSOCIATES FOR THE
PURPOSE OF UNDERTAKING AND CARRYING OUT THE PROJECT.

A. The Hearing. A public hearing was held at 2:30 P. M., on
September 11, 1975, in the offices of the Boston Redevelopment
Authority (hereinafter called the "Authority") at the New City Hall,
Room 921, Boston, Massachusetts, by the Authority on an Application
(hereinafter called the "Application") filed by Victory Gardens
Associates by Edward A. Fish, Michael A. D'Avolio and Sabatino A.
Marcucci, the General Partners, (hereinafter called the "Applicants")
for authorization and approval of a redevelopment project under
Chapter 121A of the General Laws of Massachusetts (Ter. Ed.), as
amended, and Chapter 652 of the Acts of 1960, as amended, (hereinafter
called the "Project"), and for consent to the formation of a Chapter
121A Limited Partnership under the name of Victory Gardens Associates,
for the purpose of undertaking and carrying out the Project, due
notice of said hearing having been given previously by publication
on August 27, 1975 and September 3, 1975, in the Boston Globe, a
daily newspaper of general circulation published in Boston, and mailing

appropriate notices, postage prepaid, in accordance with the provisions of Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A Projects (the "Regulations") and Section 13 of Chapter 652 of the Acts of 1960, as amended.

Robert L. Farrell, Chairman of the Authority, and James G. Colbert, Joseph J. Walsh, Paul J. Burns, and James K. Flaherty, members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of the construction, operation and maintenance by a limited partnership regulated under Chapter 121A of approximately 87 elderly oriented dwelling units, consisting of 83 one-bedroom units and 4 two-bedroom units. The Project will contain 18 parking spaces on grade.

The makeup and design of the Project are fully shown on the Plans filed with the Application.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority have also viewed the Project Area.

D. Project Area Blighted, Open and Decadent Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing as it

does, for the construction, operation and maintenance in a blighted, open, decadent, or substandard area of decent, safe, and sanitary residential buildings and appurtenant facilities.

The Project Area consists of land which for the past several years has been vacant. The area is filled land, and the most recently existing structure on the land, which was present from 1906 to 1926, was built on pilings. Soil tests indicate that substantial pilings will be required for construction of this low-rise building (four stories). The foundation problems of the Project Area are further complicated by the existence of several wells on the site which were drilled through the fill and sea floor since the land was filled. These same wells, which are open, constitute a threat to the safety and well being of the community at present.

These conditions warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws and the Application constitutes a Project within the meaning of that law. The purposes of Chapter 121A and Chapter 652 of the Acts of 1960 will be met by this Project. The demand for decent, safe and sanitary housing for elderly persons is, as a matter of common knowledge, intense in this area of the City. Long waiting lists face any elderly person who seeks admission to existing public housing for elderly persons. Construction of a substantial and handsome structure will serve to alleviate this intense demand and will, in addition, encourage the conservation and improvement of an

area of a substantial number of dwellings located adjacent to the Project Area. The Project will provide adequate financial return to the City of Boston. Exhibit L of the Application sets forth the amounts to be paid by agreement to the City of Boston in addition to the excise tax prescribed by Section 10 of Chapter 121A. This Exhibit is attached only for illustrative purposes and the approval of this Report and Decision does not bind the City or the Developer to the terms and conditions of the Exhibit.

E. Cost of the Project. In the opinion of the Authority, the minimum cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated minimum construction cost of the Project is \$2,668,413.00. The Massachusetts Housing Finance Agency has issued a commitment to provide permanent financing in the amount of \$2,401,572.00, which amount is ninety (90%) percent of the total cost of the Project. The Application contains a form of Partnership Agreement which illustrates in a general manner the organizational framework of the Partnership to be called Victory Gardens Associates. Experience with similar financing and organizational methods persuades the Authority that the financing program is realistic.

The feasibility of the Project is based upon the financial commitment made by the Applicants which requires them to provide equity financing for the Project, the market established by the need for elderly housing in the area, and the mortgage financing to be made

available by the Massachusetts Housing Finance Agency, or possibly other institutional lender, to finance the Project.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston.

G. Effect on the Project. The Project will not be in any way detrimental to the best interests of the public or to the City or to the public safety or convenience, nor will it be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The residential structure to be erected on the Project Area is efficiently designed, with ample light and air and appurtenant space, and will furnish attractive and most necessary living accommodations.

The carrying out of the Project will replace the present blighted conditions of the Project Area with suitable accommodations for elderly individuals and elderly couples, and economic as well as physical integration into the community will result from the availability of the housing. The Plans for the Project and its operation have been reviewed by the Massachusetts Housing Finance Agency and the Authority's Design Review Staff and will be subject to further design review of the Authority.

The carrying out of the Project will not involve the destruction of existing structures occupied in whole or in part as dwellings.

The Project Area does not include the land within any location approved by the State Department of Public Works for the Extension

of the Massachusetts Turnpike into the City of Boston.

The carrying out of the Project will not require the grant of a permit for erection, maintenance, and use of a garage within five hundred (500') feet of one or more buildings occupied in whole or in part as a public or private school having more than fifty (50) pupils, or as a public or private hospital having more than twenty-five (25) beds, or as a Church.

The Project does not involve the construction of units which constitute a single building under the Boston Building Code and Zoning Laws, and the carrying out of the Project will not require a declaration by the Authority with the approval of the Mayor of the City of Boston that such units constitute separate buildings for the purpose of Chapter 138 of the General Laws.

H. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in Exhibit K filed with and attached to the Application are hereby adopted and imposed as rules and regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit K, the Authority hereby requires that the Applicant, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A,

Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Final Plans and Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

I. Environmental Considerations. In conformance with the provisions of Sections 61 and 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental analysis evaluating the Project, which contains findings which the Authority hereby adopted, among which are:

1. The Project does not adversely affect any recreational areas or any aesthetic value in the surrounding area.
2. The Project will not adversely affect natural or man-made features.
3. The Project does not adversely affect archeological or historic features, or structures.
4. The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.
5. The Project Area serves no rare or endangered wildlife or fish species.

6. The site is urban and contains no significant fish, wildlife or plant life.
7. The Project will require deviations from the Boston Zoning Code as further detailed herein, but not in such manner as will cause damage to the environment.
8. The Project does not involve the disposal of potentially hazardous materials.
9. The Project does not involve the construction of facilities in a flood plain.
10. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise or dust.
11. The Project does not result in a serious deleterious effect on the quality of any portion of the State's air or water resources.
12. The Project does not adversely affect an area of important scenic value.

Therefore the Authority concludes that the Project will cause only minimal damage to the environment, and that all feasible measures have been taken to avoid or minimize said impact. The Environmental Assessment Form and an Environmental Impact Report for this Project were received by the Authority. The Authority hereby determines that the Project will not cause any significant environmental damage and finds that no other action must be taken.

J. Deviations. Exhibit J filed with and attached to the Application lists the Boston Zoning Code Deviations required for Project construction. For reasons set forth in the Application and supporting documents, including said Exhibit J, and in evidence presented at the hearing, and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total Project and may, subject to such conditions as are hereafter set forth with respect thereto respectively, be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations, respectively; and the Authority is also satisfied by reliable and generally accepted tests, or by experience in other cities that the other design, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, including Exhibit J, and in the evidence presented at the hearing, will sufficiently satisfy the purposes for which it or they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations, respectively.

In summary, permission is granted to deviate from the following provisions of the Boston Zoning Code.

<u>Zoning Code Section</u>	<u>Purpose of Section</u>
Section 14-2	Requires a minimum lot area of 1,000 square feet for each unit over one.

Zoning Code Section

Purpose of Section

Article 16

Prohibits a building height of more than 35 feet or three stories in areas zoned L-1.

Article 17

Requires 400 square feet of open space per unit in areas zoned L-1.

Article 18

Requires a front yard of 20 feet in areas zoned L-1.

Article 23

Requires .9 parking spaces for each unit in an area zoned L-1.

MEMORANDUM

OCTOBER 9, 1975

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: REPORT AND DECISION ON CHAPTER 121A APPLICATION OF
VICTORY GARDENS ASSOCIATES

3218

At a public hearing held by the Authority on September 11, 1975, on the captioned Application, the Board heard a presentation by the Applicants. Abutters and community leaders spoke in favor of the project.

The 121A Application has been examined and found to contain evidence in support of the project. The Applicants have also presented evidence at the hearing and subsequent thereto to permit the Authority to proceed with the adoption of the attached Report and Decision Approving the Project and Consenting to the Formation of the captioned Limited Partnership.

The proposal incorporates the construction of an elderly oriented low-rise structure which will allow for the construction of 87 dwelling units to be comprised of four 2-bedroom units and 83 one-bedroom units. It is anticipated that approximately 90% of the total financing cost of approximately \$2.7M will be financed through the MHFA.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision Approving the Project and Consenting to the Formation of Victory Gardens Associates. An appropriate Vote follows.

VOTED: That the document presented at this meeting entitled: "REPORT AND DECISION ON THE APPLICATION FOR AUTHORIZATION AND APPROVAL OF A PROJECT UNDER CHAPTER 121A OF THE MASSACHUSETTS GENERAL LAWS (TER.ED.), AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, AS AMENDED, AND FOR CONSENT TO THE FORMATION PURSUANT TO SAID CHAPTER 121A OF AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER THE NAME OF VICTORY GARDENS ASSOCIATES FOR THE PURPOSE OF UNDERTAKING AND CARRYING OUT THE PROJECT" be and hereby is approved and adopted.

FURTHER VOTED: That having considered the document entitled: "Addendum to Application. Exhibits for Victory Gardens Plaza, 121A, Presented September 11, 1975" filed with the Authority on September 19, 1975, it hereby being determined that said Addendum does not constitute a fundamental change from the original Application dated August, 1975, that that Addendum be and hereby is approved and adopted, and that the Report and Decision adopted by the Authority on this date now include the request for a deviation from Article 23 of the Zoning Code.